

HEATHER E. WILLIAMS, Bar #122664
Federal Defender
HANNAH R. LABAREE, Bar #294338
Assistant Federal Defender
Counsel Designated for Service
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorneys for Defendant
LUIS ALBERTO RADILLO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ALBERTO RADILLO,

Defendant.

No. Cr. S 05-76 MCE

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable MORRISON C. ENGLAND, JR.

Defendant, LUIS ALBERTO RADILLO, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On December 5, 2006, this Court sentenced Mr. Radillo to a total term of 144 months imprisonment, comprised of 84 months on Counts 1 (violation of 21 U.S.C. § 841(a)(1)) and 3 (violation of 18 U.S.C. § 922(g)), to be served concurrently, and 60 months on Count 2 (violation of 18 U.S.C. § 924(c)(1)(A)(i)), to be served consecutively;

3. As to Counts 1 and 3, his combined total offense level was 31, his criminal history category was V, and the resulting guideline range was 168 to 210 months. He received a reduction from the low-end of the applicable range on the government's motion;

4. The sentencing range applicable to Mr. Radillo was subsequently lowered by the United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014, see 79 Fed. Reg. 44,973;

5. Mr. Radillo's total offense level has been reduced from 31 to 29, and his amended guideline range is 140 to 175 months. A reduction comparable to the one he received initially yields an amended term of 70 months;

6. Accordingly, the parties request the Court enter the order lodged herewith reducing Mr. Radillo's total term of imprisonment to 130 months, comprised of 70 months on Counts 1 and 3, to be served concurrently, and 60 months on Count 2, to be served consecutively.

Respectfully submitted,

Dated: September 30, 2015

Dated: September 30, 2015

BENJAMIN B. WAGNER
United States Attorney

HEATHER E. WILLIAMS
Federal Defender

/s/ Jason Hitt
JASON HITT
Assistant U.S. Attorney

/s/ Hannah R. Labaree
HANNAH R. LABAREE
Assistant Federal Defender

Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Defendant
LUIS ALBERTO RADILLO

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Radillo is entitled to the benefit of Amendment 782, which reduces the total combined offense level for Counts 1 and 3 from 31 to 29, resulting in an amended guideline range of 140 to 175 months. A reduction comparable to the one he received initially yields an amended term of 70 months.


IT IS HEREBY ORDERED that the term of imprisonment imposed in December 2006 is reduced to a total term of 130 months, comprised of 70 months on Counts 1 and 3, to be served concurrently, and 60 months on Count 2, to be served consecutively.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Radillo shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: October 1, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT